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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,631	09/18/2003	Robert Birch	1160215/0514436	9238

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FROST BROWN TODD LLC  
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EXAMINER
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GRAHAM, CLEMENT B

ART UNIT	PAPER NUMBER
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3696

MAIL DATE	DELIVERY MODE
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09/22/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/666,631	BIRCH ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Clement B. Graham	3696	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 7/14/09.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**  
**SUPPLEMENTAL ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-20, are rejected under 35 U.S.C. 103(a) as being unpatentable over Corrigan et al Hereinafter Corrigan U.S Patent 6, 640, 097 in view of Feder et al (Hereinafter Feder U.S Pub: 2002/0089958).

As per claim 1, Corrigan discloses a computerized method for billing for web services comprising the steps of:  
creating a descriptor file designating a pre-defined element (see column 1 para0010 and column 3 para 0055 and column 4 para 0057 and column 18 para 0264-0266 and 0269)  
configuring a handler to monitor a web service network communication, between a service requestor and a service provider, for said predefined element in said descriptor file(see column 1 para0010 and column 3 para 0055 and column 4 para 0057 and column 18 para 0264-0266 and 0269) configuring said handler to send said pre-defined element to a set of programmed instructions to create an event record wherein the handler configured to monitor for said predefined element in said descriptor file is located at an entity taken from the list of entities consisting of, a the service requestor; and b) the service provider (see column 1 para0010 and column 3 para 0055 and column 4 para 0057 and column 18 para 0264-0266 and 0269).

Corrigan fails to explicitly teach electronically transmitting said event record to a billing system for further processing.

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However Feder discloses electronically transmitting said event record to a billing system for further processing (see column 1 para0010 and column 3 para 0055 and column 4 para 0057 and column 18 para 0264-0266 and 0269)

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Corrigan to include electronically transmitting said event record to a billing system for further processing taught by Feder in order to provide end users with remote wireless access to the public internet, private intranets and internet service providers. Wireless access is provided through base stations in a home network and base stations in foreign networks with interchange agreements.

As per claim 2, Corrigan discloses wherein said programmed instructions are configured to determine whether an event corresponding to said event record requires authorization. (see column 7 lines 44-67 and column 8 lines 1-17 and column 10 lines 1-20 and column 11 lines 28-67 and column 12 lines 1-28 and column 14 lines 9-67 and column 15 lines 1-15).

As per claim 3, Corrigan discloses a computerized method as claimed in claim 1 wherein said programmed instructions are configured to determine whether an event corresponding to said event record requires rating (see column 7 lines 44-67 and column 8 lines 1-17 and column 10 lines 1-20 and column 11 lines 28-67 and column 12 lines 1-28 and column 14 lines 9-67 and column 15 lines 1-15).

As per claim 4, Corrigan discloses further comprising the steps of transforming said pre-defined element according to a set of instructions in said descriptor file before transmitting said event record to the billing system (see column 7 lines 44-67 and column 8 lines 1-17 and column 10 lines 1-20 and column 11 lines 28-67 and column 12 lines 1-28 and column 14 lines 9-67 and column 15 lines 1-15).

As per claim 5, Corrigan discloses wherein said web service network communication comprises a request for a web service and a response to said request wherein said request comprises a start time and said response comprises an end time and further comprising the steps of:

creating a first event record comprising said start time (see column 7 lines 44-67 and column 8 lines 1-17 and column 10 lines 1-20 and column 11 lines 28-67 and column 12 lines 1-28 and column 14 lines 9-67 and column 15 lines 1-15) sending said first event record to said billing

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system, queuing said first event record in said billing system, creating a second event record comprising said end time (see column 7 lines 44-67 and column 8 lines 1-17 and column 10 lines 1-20 and column 11 lines 28-67 and column 12 lines 1-28 and column 14 lines 9-67 and column 15 lines 1-15) sending said second event record to said billing system, matching said first event record with said second event record, calculating a charge for said web service based on said start time and said end time, returning said charge to said service provider (see column 7 lines 44-67 and column 8 lines 1-17 and column 10 lines 1-20 and column 11 lines 28-67 and column 12 lines 1-28 and column 14 lines 9-67 and column 15 lines 1-15).

As per claim 6, Corrigan discloses wherein said billing system comprises programmed billing instructions coded to determine whether a web service transaction may be performed (see column 7 lines 44-67 and column 8 lines 1-17 and column 10 lines 1-20 and column 11 lines 28-67 and column 12 lines 1-28 and column 14 lines 9-67 and column 15 lines 1-15).

As per claim 7, Corrigan discloses wherein said programmed billing instructions are configured to determine if said service requestor is permitted to access said web service transaction (see column 7 lines 44-67 and column 8 lines 1-17 and column 10 lines 1-20 and column 11 lines 28-67 and column 12 lines 1-28 and column 14 lines 9-67 and column 15 lines 1-15).

As per claim 8, Corrigan discloses wherein said billing system returns a response to said web service provider indicating whether said web service transaction should proceed (see column 7 lines 44-67 and column 8 lines 1-17 and column 10 lines 1-20 and column 11 lines 28-67 and column 12 lines 1-28 and column 14 lines 9-67 and column 15 lines 1-15).

As per claim 9, Corrigan discloses wherein said programmed billing instructions are configured to determine whether said service requestor is solvent enough to purchase said web service transaction (see column 7 lines 44-67 and column 8 lines 1-17 and column 10 lines 1-20 and column 11 lines 28-67 and column 12 lines 1-28 and column 14 lines 9-67 and column 15 lines 1-15).

As per claim 10, Corrigan discloses wherein said programmed billing instructions are configured to return a response to a set of application code associated with said web service provider indicating whether said web service transaction should proceed (see column 7 lines 44-

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67 and column 8 lines 1-17 and column 10 lines 1-20 and column 11 lines 28-67 and column 12 lines 1-28 and column 14 lines 9-67 and column 15 lines 1-15).

As per claim 11, Corrigan discloses wherein said programmed billing instructions are configured to return a response to said web service provider indicating a quantity for said web service transaction to proceed (see column 7 lines 44-67 and column 8 lines 1-17 and column 10 lines 1-20 and column 11 lines 28-67 and column 12 lines 1-28 and column 14 lines 9-67 and column 15 lines 1-15).

As per claim 12, Corrigan discloses wherein said web service network communication comprises a SOAP message stream; wherein the service requestor accesses the service provider on a direct peer-to-peer basis; and wherein the handler is located at the service provider (see column 7 lines 44-67 and column 8 lines 1-17 and column 10 lines 1-20 and column 11 lines 28-67 and column 12 lines 1-28 and column 14 lines 9-67 and column 15 lines 1-15).

As per claim 13, Corrigan discloses wherein said SOAP message stream comprises a set of data including quality of service information, authorization key fields, version numbers, encrypted account information, and start/stop time (see column 7 lines 44-67 and column 8 lines 1-17 and column 10 lines 1-20 and column 11 lines 28-67 and column 12 lines 1-28 and column 14 lines 9-67 and column 15 lines 1-15).

As per claim 14, Corrigan discloses wherein said billing system uses said pre-defined element in said SOAP message stream to support at least one pre-defined billing plan (see column 7 lines 44-67 and column 8 lines 1-17 and column 10 lines 1-20 and column 11 lines 28-67 and column 12 lines 1-28 and column 14 lines 9-67 and column 15 lines 1-15).

As per claim 15, Corrigan discloses wherein said pre-defined billing plans is chosen from a list consisting of subscriptions, bundled plans, time-based usage plans, re-occurring charges, one-time charges, discount plans based on usage, discount plans based on time-of-day, discount plans based on customer loyalty, discount plans based on family/organization relationships, tiered plans, location dependent pricing, and combinations thereof (see column 7 lines 44-67 and column 8 lines 1-17 and column 10 lines 1-20 and column 11 lines 28-67 and column 12 lines 1-28 and column 14 lines 9-67 and column 15 lines 1-15).

As per claim 16, Corrigan discloses a computer-readable medium having computer executable instructions for performing a method comprising

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receiving a descriptor file designating at least one pre-defined element(see column 1 para0010 and column 3 para 0055 and column 4 para 0057 and column 18 para 0264-0266 and 0269) utilizing said descriptor file to monitor a web service network communication for said pre-defined element(s) (see column 1 para0010 and column 3 para 0055 and column 4 para 0057 and column 18 para 0264-0266 and 0269) copying said-predefined element(s) from said network communication into a record.

Corrigan fails to explicitly teach electronically sending said record to a billing system for further processing.

However Feder discloses electronically sending said record to a billing system for further processing (see column 1 para0010 and column 3 para 0055 and column 4 para 0057 and column 18 para 0264-0266 and 0269)

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Corrigan to include electronically sending said record to a billing system for further processing taught by Feder in order to provide end users with remote wireless access to the public internet, private intranets and internet service providers. Wireless access is provided through base stations in a home network and base stations in foreign networks with interchange agreements.

As per claim 17, Corrigan discloses a system for billing for web services comprising: a descriptor file, a handler, a record and a billing system(see column 1 para0010 and column 3 para 0055 and column 4 para 0057 and column 18 para 0264-0266 and 0269) wherein said descriptor file designates at least one pre-defined elements, said handler is configured to monitor a web service network communication, between a service requestor and a service provider, and to intercept said communication if said communication corresponds to said at least one pre-defined element in said descriptor file(see column 1 para0010 and column 3 para 0055 and column 4 para 0057 and column 18 para 0264-0266 and 0269).

Corrigan fails to explicitly teach said handler is further configured to copy said pre-defined elements from said network communication into a record said handler is further configured to electronically transmit said record to a billing system for further processing.

However Feder discloses electronically sending said record to a billing system for further processing (see column 1 para0010 and column 3 para 0055 and column 4 para 0057 and column 18 para 0264-0266 and 0269)

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Corrigan to include said handler is further configured to copy said pre-defined elements from said network communication into a record said handler is further configured to electronically transmit said record to a billing system for further processing taught by Feder in order to provide end users with remote wireless access to the public internet, private intranets and internet service providers. Wireless access is provided through base stations in a home network and base stations in foreign networks with interchange agreements.

As per claim 18, Corrigan discloses wherein said billing system is embedded within a web service server; wherein said further processing comprises determining whether said service requestor is solvent enough to purchase a web service corresponding to said web service network communication; and wherein said web service network communication comprises a SOAP message stream; wherein said handler is located at the service provider; and wherein the service requestor accesses the service provider on a direct peer-to-peer basis (see column 7 lines 44-67 and column 8 lines 1-17 and column 10 lines 1-20 and column 11 lines 28-67 and column 12 lines 1-28 and column 14 lines 9-67 and column 15 lines 1-15).

As per claim 19, Corrigan discloses wherein the monitored web service network communication is between a service requestor and a service provider, and wherein the computer readable medium is located at the service provider (see column 7 lines 44-67 and column 8 lines 1-17 and column 10 lines 1-20 and column 11 lines 28-67 and column 12 lines 1-28 and column 14 lines 9-67 and column 15 lines 1-15).

As per claim 20, Corrigan discloses wherein the web service network communication comprises a communication where the service requestor accesses the service provider on a direct peer-to-peer basis (see column 7 lines 44-67 and column 8 lines 1-17 and column 10 lines 1-20 and column 11 lines 28-67 and column 12 lines 1-28 and column 14 lines 9-67 and column 15 lines 1-15).



### **Conclusion**

#### **RESPONSE TO ARGUMENTS**

3. Applicant's arguments filed 7/14/09 has been fully considered but they are moot in view of new grounds of rejection.

4. Applicant's claims 1, 16-17, states " configuring a handler to monitor , wherein the handler configured to monitor, utilizing said descriptor file to monitor a web service network and when the sum of the current balance of the credit account and the maximum purchase value is greater than or equal to the first tier limit"

However the subject matter of a properly construed claim is defined by the terms that limit its scope. It is this subject matter that must be examined. As a general matter, the grammar and intended meaning of terms used in a claim will dictate whether the language limits the claim scope. Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. The following are examples of language that may raise a question as to the limiting effect of the language in a claim:

- (A) statements of intended use or field of use,
- (B) "adapted to" or "adapted for" clauses,
- (C) "wherein" clauses, or
- (D) "whereby" clauses.

This list of examples is not intended to be exhaustive. See also MPEP § 2111.04.

\*\*>USPTO personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim should not be read into the claim. E-Pass Techs., Inc. v. 3Com Corp., 343 F.3d 1364, 1369, 67 USPQ2d 1947, 1950 (Fed. Cir. 2003) (claims must be interpreted "in view of the specification" without importing limitations from the specification into the claims unnecessarily). In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969). See also In re Zletz, 893 F.2d 319, 321-22, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989) ("During patent examination the pending claims must be interpreted as broadly as their terms reasonably allow.... The reason is simply that during

patent prosecution when claims can be amended, ambiguities should be recognized, scope and breadth of language explored, and clarification imposed.... An essential purpose of patent examination is to fashion claims that are precise, clear, correct, and unambiguous. Only in this way can uncertainties of claim scope be removed, as much as possible, during the administrative process.”).<

Where an explicit definition is provided by the applicant for a term, that definition will control interpretation of the term as it is used in the claim. *Toro Co. v. White Consolidated Industries Inc.*, 199 F.3d 1295, 1301, 53 USPQ2d 1065, 1069 (Fed. Cir. 1999) (meaning of words used in a claim is not construed in a “lexicographic vacuum, but in the context of the specification and drawings.”). Any special meaning assigned to a term “must be sufficiently clear in the specification that any departure from common usage would be so understood by a person of experience in the field of the invention.” *Multiform Desiccants Inc. v. Medzam Ltd.*, 133 F.3d 1473, 1477, 45 USPQ2d 1429, 1432 (Fed. Cir. 1998). See also MPEP § 2111.01.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B. Graham whose telephone number is 571-272-6795. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Thomas Dixon can be reached on (571) 272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Frantzy Poinvil/

Primary Examiner, Art Unit 3696

CG

August 28, 2009